

OFFICIAL

PATENT  
Docket No. 220.00010150

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant(s): Eric T. Kool )  
 )  
 Serial No.: 09/997,931 )  
 Confirmation No.: 5355 )  
 Filed: November 30, 2001 )  
 )  
 For: CIRCULAR DNA VECTORS FOR SYNTHESIS OF RNA AND DNA

Group Art Unit: 1635

Examiner: Sean McGarry

MAR 22 2004

## FACSIMILE TRANSMISSION TO THE PTO

Commissioner for Patents  
 Attn: Examiner Sean McGarry  
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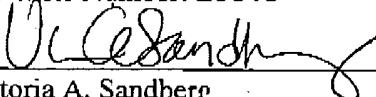
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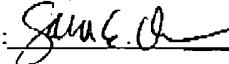
Mueting, Raasch & Gebhardt, P.A.  
 Customer Number: 26813

March 22, 2004  
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By:   
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March 22, 2004  
 Date

Signature:   
 Name: Sara E. Olson

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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction Requirement mailed February 23, 2004, Applicant elects, with traverse, the invention of Group I (claims 96-115, 117, and 119-122), drawn to a method of synthesizing an RNA oligonucleotide in a cell. It is understood that claim 95 links the inventions of Groups I, II and III and therefore will also be examined. As the restriction requirement is subject to the nonallowance of the linking claim (claim 95), it is further understood that upon allowance of the linking claim, the restriction requirement as to the linked inventions shall be withdrawn and any claim depending from or otherwise including all the limitations of the allowable linking claim will be entitled to examination in the instant application.

Group I is subject to the species requirement set forth in the Official Action mailed 10/01/03. In response thereto, Applicant elects, with traverse, the species of the claimed invention where the cell is mammalian. The claims of Group I that are readable on the elected species include claims 95 (the linking claim), 96, 97, 99-115, 117 and 119-122.

Applicant respectfully requests reconsideration of the restrictions in this case and submits that the inventions as claimed can be readily evaluated in one search without placing undue burden on the Examiner.

**Response to Restriction Requirement**

Page 2 of 2

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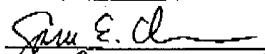
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The Examiner is invited to contact Applicant's Representatives, at the below-listed telephone number, if there are any questions regarding this Response or if prosecution of this application may be assisted thereby.

**CERTIFICATE UNDER 37 C.F.R. 1.8:**

The undersigned hereby certifies that this paper is being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 22 day of March, 2004, at 9:27am (Central Time).

  
Name: Sara E. Olson

March 22, 2004

Date

Respectfully submitted for

**Eric T. Kool**

By

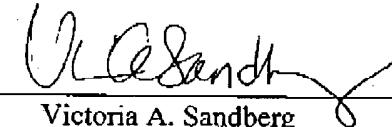
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